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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,449	03/09/2001	Peter W. Johnson	PJ0101US	7014

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EXAMINER

LIU, MING HUN

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 06/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/802,449

Applicant(s)

JOHNSON, PETER W.8

Examiner

Ming-Hun Liu

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/20/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-15, 17-19 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-2, 5-15, 19-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

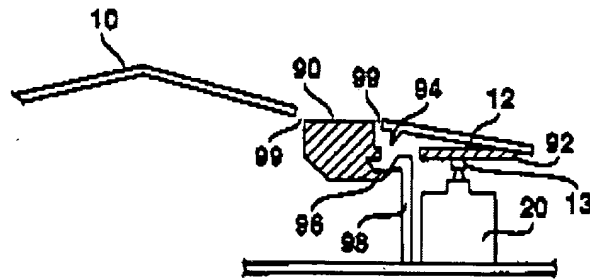
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5, 9, 15, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent number 5,268,674 to Howard et al.

Referring to claim 1, Howard describes a button assembly that is very similar to the claimed invention. Howard discloses in figure 13 a button assembly comprising a first cantilever beam (92) having a first end and second end, the first end being movably coupled to an electronic input device through a first fulcrum (13) at the first end; a second cantilevered beam (12) having an exposed button portion, the second cantilevered beam being movably coupled to the first cantilevered beam through a second fulcrum (at arrow 92).

In reference to claim 2, as seen from the figure 13, the second fulcrum comprises a flexible hinge disposed between the second cantilevered beam and the second end of the first cantilevered beam.

**FIGURE 13**

Prior Art: Figure 13 of US Patent 5,268,674 to Howard

In reference to claim 5, Howard discloses in figure 9b a computer pointing input device comprising a housing (10), a palm portion of the housing configured to receive a user's hand (10), a distal portion of the housing extending generally away from the palm portion (101) and a switch button having a palm end and a distal end (12). It can be seen clearly from figure 9b that the switch button is configured to actuate an electronic switch within the computer pointing input device upon application of sufficient force to the switch button by the user, the switch button being movably coupled to the housing so as to move about a fulcrum (100), the fulcrum being nearer to the distal end than to the palm end of the switch button.

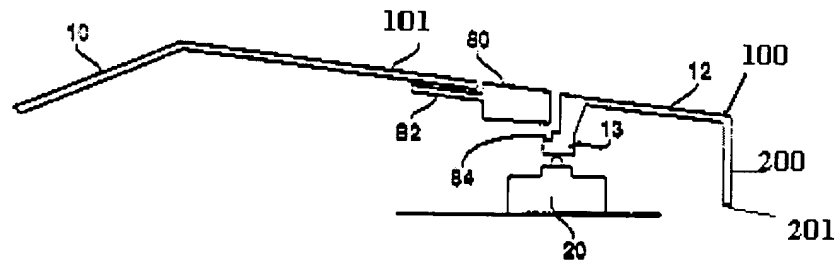


FIGURE 9b

Prior Art: Figure 9b of US Patent 5,268,674 to Howard

In reference to claim 9, again referring to figure 9b of Howard, it can be seen that Howard discloses a spring beam (200) coupled to the switch button through the fulcrum at the first end (100) and being coupled to the housing at the second end through a second fulcrum (201).

In reference to claim 15, in figure 13 Howard discloses a computer pointing input device comprising a housing, a palm portion of the housing configured to receive a user's hand (10), a spring beam flexibly coupled to the housing through a first fulcrum (13), a switch button having a palm end and a finger end where the switch button is flexibly coupled to the spring beam through a second fulcrum (at arrow 92), the second fulcrum being nearer to the finger end of the switch button than the palm end of the switch button. A plunger (13) coupled to the switch button extending towards an electronic switch (20), the plunger configured to actuate the electronic switch upon application of a sufficient force to the switch button by the user.

Referring to claim 19, it is clear from Howard's invention that the computer pointing device is a computer mouse (column 2, lines 47).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8, 10-14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard.

Claim 6 is rejected on obviousness. A person with knowledge in physics understands Archimedes principle with levers. With that common knowledge it would be obvious to one skilled in the art that there will be a first force required to be applied to the switch button to actuate the electronic switch at the distal end and a second force required to be applied to the switch button to actuate the electronic switch at the palm end, where the first force being greater than the second force specifically when the fulcrum is not at the center point of the lever.

In reference to claims 7-8, there is no disclosed criticality to these particular design specifications in the invention. The exact amount of force (as well as relative amounts of force), the positioning of the button is a matter of routine design choice. One of ordinary skill in the art would know the amount of force necessary for the mouse device to work properly.

Claim 10 is rejected on the same grounds as the rejection of claim 6.

Claims 11-14 are rejected on the same grounds as the rejection of claims 7-8.

Claims 17-18 are rejected on the same grounds the rejections for claims 7-8

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Allowable Subject Matter

4. Claims 3, 4, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

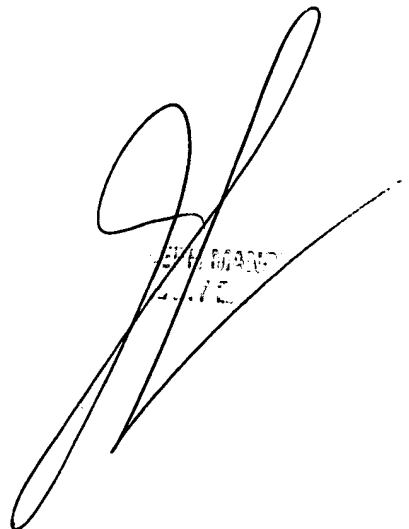
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 703-305-3885. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Ming-Hun Liu
June 2, 2003



Stamp: EXHIBIT 2003-06-02